

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

ONLY AL-KHIDHR

PLAINTIFF

CIVIL ACTION NO.: 1:07cv1223LG-RHW

VERSUS

**HARRISON COUNTY, MISSISSIPPI BY AND
THROUGH ITS BOARD OF SUPERVISORS;
HARRISON COUNTY SHERIFF GEORGE PAYNE,
IN HIS OFFICIAL CAPACITY;
SUPERVISOR OF BOOKING CAPTAIN RICK GASTON,
acting under color of state law,
CORRECTIONS OFFICER MORGAN THOMPSON,
acting under color of state law, CORRECTIONS OFFICER
THOMAS MOORE, acting under color of state law.**

DEFENDANTS

AGREED ORDER TO CONDUCT MENTAL EXAMINATION OF PLAINTIFF

THIS CAUSE, having come before the Court, *ore tenus*, on Defendant's Gaston and Thompson's motion to conduct the mental examination of Plaintiff pursuant to Federal Rule of Civil Procedure 35 and Local Rule 35.1, and the Court being advised that counsel for Plaintiff is in agreement with this examination of Plaintiff, and the Court being further advised in the premises, is of the opinion that said Motion is well taken and should be granted. It is therefore,

ORDERED AND ADJUDGED, that pursuant to the Court's Case Management Order entered in this cause, the Defendants are permitted to conduct an independent medical examination of Plaintiff pursuant to the following conditions:

Defendant may have a local IME (within subpoena range of Court) with a doctor who has not examined plaintiff. IME must be completed in time to comply with expert designation deadlines.

Pursuant to Federal Rule of Civil Procedure 35 and Local Rule 35.1, the Defendants have



elected to obtain an independent mental examination of the Plaintiff and has conferred with Plaintiff's counsel regarding an independent mental examination of the Plaintiff. Plaintiff's counsel has agreed to the following conditions of the mental examination of the Plaintiff:

Examiner: Psychiatrist, Dr. Rennie W. Culver, M.D., PhD

Dates: August 6, 2010

Place: Harrison County Courthouse, 1801 23rd Ave. Gulfport, MS 39501, 2nd Floor in the Attorney/Client Conference Room near the Chancery Courtrooms.

Times: Beginning at 1:00 P.M.

Scope of Examination: See attached **Exhibit "A"** for scope of examination.

Reimbursement of Plaintiffs Fees to Attend the IME: Pursuant to the Court's instructions, the Defendant's will reimburse the Plaintiff for his reasonable expenses to attend the IME as follows:

- 1). Round trip automobile mileage at the rate of \$0.50 per mile.

ORDERED AND ADJUDGED, that Defendant be permitted to proceed with a examination of the Plaintiff pursuant to the terms contained herein.

SO ORDERED this the 22nd day of July 2010.

s/ Robert H. Walker
Robert H. Walker
United States Magistrate Judge